

NATURAL RESOURCES COMMISSION

Meeting Minutes

July 25, 2007

Pursuant to the notice filed with the Town Clerk, the meeting of the Natural Resources Commission was held at 141 Keyes Road, Concord, MA at 7:00 p.m. on Wednesday, July 25, 2007. The following Commissioners were present: Chair, Alexander Easterday; Paul Feshbach-Meriney; and Steve Verrill. Delia Kaye, Natural Resources Administrator; and Cynthia Gray, Natural Resources Administrative Assistant were also present.

M.G.L. CH. 44, s. 53G – Implementing Regulations

Alexander Easterday commenced the meeting with a polling of the audience to see if anyone was in attendance to specifically discuss this matter. There being no public present, Alexander Easterday suggested that this matter be continued and discussed at the next meeting in order to have a full Commission present and allow more opportunity for public comment.

CONTINUANCES:

THOREAU SCHOOL – 29 Prairie Street / NOI – DEP File #137-933

Susan Erickson, a fourth-grade teacher at the Thoreau School, appeared with John Shipe, P.E.. This project involves the construction of an ADA/AAB accessible trail on the south side of Thoreau School within Bordering Vegetated Wetland, Bordering Land Subject to Flooding, the 200-foot Riverfront Area of the Assabet River, and 100 feet of Bordering Vegetated Wetland and Bank.

Alexander Easterday indicated that the proposed grade on the plan view did not match up with the wetland replication area section view. John Shipe noted that the contractor would go by the stamped plan. Alexander Easterday requested Applicant to resubmit a revised plan. Alexander Easterday also indicated that top soil should be replaced with hydric soil and that no permanent structures would be erected on the site. A Special Condition of the permit would be that no permanent structures be erected.

Delia Kaye noted that Concord Public Works had reviewed the flood plain calculations but that Building Commissioner, John Minty, had not yet reviewed them. Delia Kaye noted that the NRC would forward a letter to the Zoning Board of Appeals (ZBA) in anticipation of Applicant's scheduled hearing with the ZBA on August 9, 2007.

This matter was continued to August 15, 2007.

NEW APPLICATIONS

BENTLEY BUILDING CORP. (White) – 14A Strawberry Hill Road / NOI, DEP File #137-940

Rich Harrington of Stamski & McNary appeared together with Jim Kelly and Mike Paratore, both of Bentley Building Corp. and Applicant, Mark White. Within jurisdictional areas, the project consists of the creation of five lots for constructing four single-family dwellings and one lot for associated site work only, together with associated utilities, grading and the installation of an emergency drainage system overflow pipe, all within the 100-foot Buffer Zone to Bordering Vegetated Wetland.

Rich Harrington made a presentation indicating that the site is an old gravel pit which has leftover materials within it. The Applicant is proposing a Planned Residential Development (PRD), a flexible cluster development with buffers to the neighbors and Open Space. The five lots meet the NRC's wetland policy setback requirements. The Applicant submitted calculations supporting their belief that the ponded area (Wetland A) as shown on the plan is not Isolated Land Subject to Flooding. Onsite soils are very sandy. Each proposed home will handle its own roof runoff. Houses may be built during different phases of the project. Soil stockpiles will be outside of the 100-foot Buffer Zone. The 100-year flood plain is across the street (offsite). The Applicant has filed a Special Permit for a PRD and is looking for the NRC's recommendations to the Zoning Board of Appeals. Applicant is currently scheduled to be heard by the Planning Board on August 7, 2007 and by the ZBA on August 9, 2007.

Alexander Easterday asked about tree clearing within 50 feet to Bordering Vegetated Wetland, and if the Applicant has a count as to how many trees 6 inches or greater in diameter are proposed to be removed. The NRC would prefer as many trees to remain as possible. Trees located in the 50- to 25-foot area of the Buffer Zone should be identified on the plan. Alexander Easterday also noted that there was a trail along the ridge which weaves in and out of the property lines. Alexander Easterday asked if it would be possible to relocate the trail so it is entirely within the Open Space land. Alexander Easterday asked if there would be any specific deed language to address the issue.

Mark White indicated that the trees would be retained so long as they didn't interfere with grading. Any trees on grade level would be preserved.

Delia Kaye reiterated Alexander Easterday's request to identify any trees 6 inches in diameter on the plan.

Alexander Easterday expressed concern about the steep bank and asked about regarding and stabilization of the slope.

Rich Harrington noted that it was a 2:1 slope and that the slope stabilization detail would be learned with the preparation of the first lot and would be carried to other lots as they went along.

Alexander Easterday inquired as to how property boundary markings were being accomplished to the north. It would be preferential to make markers visible to potential buyers. Mark White noted that currently there are 1-inch iron pipes in place. Paul Feshbach-Meriney noted that rebar is not visible. Alexander Easterday requested that Applicant locate the markers on the as-built plans in order to ward off potential encroachment issues.

Delia Kaye noted the gravel path along Strawberry Hill Road and asked if any trees were being removed. Mark White replied that he would be using the existing topography and would go around trees. The proposed gravel path is approximately 5 feet wide.

Delia Kaye inquired about the Open Space and asked who it was being deeded to of the Town. Mark White replied that there was specific language in the Purchase & Sale Agreement and that Town Counsel has reviewed the language and approved it. The proposed Conservation Restriction is proposed to be deeded to the NRC. Delia Kaye asked if it would be acceptable for the Conservation Stewardship Restriction Committee, a subcommittee of the Natural Resources Commission, to review the Conservation Restriction and to obtain a copy of the Purchase & Sale Agreement language.

Paul Feshbach-Meriney noted that the NRC would make recommendations to the ZBA.

Jeff Eberle, 15 Annursnac Hill Road, noted the beaver activity and flooding that was caused by the beaver dam. Some flooding encroached on septic systems on Temple Road. The Board of Health has indicated that the beaver activity is not an emergency matter. Alexander Easterday noted that the beaver activity wouldn't impact the proposed Conservation Restriction. Delia Kaye noted that the water level was no higher than Bank and it was no threat to public health and safety. A long-term management plan, potentially including a beaver deceiver, should be established in order to live harmoniously with the beavers.

Jeff Eberle, 15 Annursnac Hill Road, suggested that the Developer work with the neighborhood to come up with a management plan.

Stephen Cheheyl, 130 Lane's End, inquired about the wetland fill and asked how an isolated wetland could exist. He requested that replacing the small wetland be considered.

This hearing was continued to the August 15, 2007 meeting.

MIDDLESEX SCHOOL – 1400 Lowell Road / NOI, DEP File #137-941

Jim Saltonstall, Assistant Head of Financial Operations of Middlesex School, appeared together with Andy Truman of Samiotes Consultants, Inc. This project involves pavement reconstruction of the parking area designated for the Warburg Library together with paved area located behind the Power Plant, within the 25-foot No Disturb Zone and 100-foot Buffer Zone to Bordering Vegetated Wetland.

Jim Saltonstall stated it is the Applicant's intent to upgrade the two parking areas. The space behind the Power Plant is noted as a high traffic area which has been repaired at times. Both of these areas existed before the commencement of the Wetlands Protection Act.

Andy Truman indicated that the Applicant is making a slow progressive upgrade on campus and that the footprint would remain the same.

Jim Saltonsall indicated that the Applicant wishes to commence work before September 1, 2007.

Paul Feshbach-Meriney asked if there were any places within the work area which would present the opportunity for puddling. A preconstruction site visit will be included as a Special Condition of the permit.

Delia Kaye indicated that Applicant would be doing some regrading and requested that the straw wattles be relocated in front of the fence.

This hearing was continued to August 15, 2007 at which time it is expected that the hearing will be closed and a permit issued.

CLOSE HEARINGS/ISSUE PERMITS

KENNEALLY – 103 Alden Road - DEP File #137-937

Paul Feshbach-Meriney moved to close the hearing. Steve Verrill seconded. All so voted. Steve Verrill moved to issue a standard Order of Conditions with Special Conditions 18-41. Paul Feshbach-Meriney seconded. All so voted.

LEVINSON – 124 Nashoba Road - DEP File #137-939

Steve Verrill moved to close the hearing. Paul Feshbach-Meriney seconded. All so voted. Paul Feshbach-Meriney moved to approve the Finding. Steve Verrill seconded. All so voted. Paul Feshbach-Meriney moved to issue a standard Order of Conditions with Special Conditions 18-41. Steve Verrill seconded. All so voted.

EXTENSION PERMITS

Concord Country Club – 240 Old Road to Nine Acre Corner, DEP File #137-799

John Bensley, P.E. and Principal of Beals and Thomas, Inc. appeared. Concord Country Club General Manager Richard Shultz appeared at approximately 8:30 p.m.

Delia Kaye noted that this request is basically a maintenance permit extension request as a Partial Certificate of Compliance had been issued by the Commission on October 13, 2006. The work under the Extension request would most likely be for a period of one year. John Bensley of Beals and Thomas, Inc. would be able to confirm the request.

John Bensley noted that the Applicant is currently doing work under the existing Order of Conditions which is due to expire on September 9, 2007. The Applicant is doing work within the 100-year flood plain and Buffer Zone of Bordering Vegetated Wetlands with regard to the 7th Fairway. John stated more fill will be needed on the 7th Fairway with potential compensation on the 6th Fairway.

Alexander Easterday noted that a typical timeframe for an Extension is for a period of one year. Alexander Easterday asked the Applicant's representative if they were intending on amending the existing Order of Conditions as it would be the Commission's preference for a new NOI to be filed for the new work in order to keep the matters separate.

Richard Shultz noted that the soils are peaked at stream level and that it is his intent to do some more cut without affecting the rest of the golf course.

Steve Verrill moved to approve the Extension for a one-year period. Paul Feshbach-Meriney seconded. All so voted.

OTHER BUSINESS

Approve June 20, 2007 Meeting Minutes

It was confirmed that the Edwards Order of Condition noted that the Applicant was allowed to do foliar spray only as a last resort.

Steve Verrill moved to accept and approve the June 20, 2007 Meeting Minutes as printed. Paul Feshbach-Meriney seconded. All so voted.

Dee Bus Service, Inc.

Delia Kaye provided an update, stating she was contacted by a representative of Dee Bus, Attorney Craig Gugger, of Balas, Alphen & Santos, P.C., about redeveloping the premises. Delia Kaye noted to Attorney Gugger that outstanding violations would need to be addressed.

Paul Feshbach-Meriney noted that pavement had been dug up and would need to be repaired.

Delia Kaye noted that a new NOI or an Abbreviated NOI would be needed, depending on the amount of work in jurisdictional areas, for any proposed work beyond the structure footprint. Steve Verrill asked what constitutes alteration.

This matter will remain open with updates provided as needed.

Old Calf Pasture Violation Update

Delia Kaye informed the Commission that she would be meeting with Town Manager, Chris Whelan on July 26, 2007 to discuss this matter further and that it was her hope to establish a much needed management plan.

Questing (Punkatasset) – September 15, 2007

Delia Kaye informed the Commission that Katie Holden would be unveiling the Punkatasset Quest on September 15, 2007, and it would be a good opportunity for them to attend.

Town and CLCT Joint Partnership

Delia Kaye informed the Commission of a potential joint partnership for a piece of land that was not yet on the market. Possibly CPA funds could be used in conjunction with other sources of funding. Delia Kaye noted that she would update the Commission at the next meeting of August 15, 2007.

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Delia R. J. Kaye, Natural Resources Administrator

Cynthia L. Gray, Natural Resources Administrative Assistant